

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENYS NAMYSTIUK,

Plaintiff,

No. C 15-03078 WHA

v.

SMITH BARNEY and JAINA SYSTEMS
NETWORK, INC.,**ORDER DENYING MOTION
FOR RECONSIDERATION**Defendants.

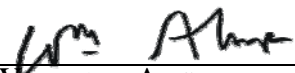
After plaintiff Denys Namystiuk failed to appear at the initial case management conference, an order dismissed his case for failure to prosecute and for lack of subject-matter jurisdiction because the complaint was incomprehensible (Dkt. No. 22). Now, plaintiff has filed a “motion to reconsider.”

As an initial matter, plaintiff has not sought leave to file a motion for reconsideration, as required by Civil Local Rule 7–9. Even so, plaintiff’s motion is frivolous. Plaintiff states that he will not come to the United States to litigate his case, but wishes to stay in the Ukraine (where he lives) and litigate the case via telephone. This will not work. If plaintiff could not litigate his case in the United States, he should not have filed it here. Plaintiff also disagrees with the previous ruling that the complaint was incomprehensible and thus the Court lacked subject-matter jurisdiction. Specifically, plaintiff states: “The case is dismissed for lack of subject-matter jurisdiction. But is [sic] not true, because it decision [sic] against law” (Dkt. No. 24 at 6). The motion goes on to list several statutes and other difficult to discern argument.

1 Plaintiff's motion for reconsideration does not meet the standard set forth in Civil Local
2 Rule 7-9 and is thus **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: November 30, 2015.

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8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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